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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,184

05/27/2005

Tomoyuki Yagi

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1948

20457

7590

08/29/2008

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EXAMINER

CHAO, ELMER M

ART UNIT

PAPER NUMBER

3737

MAIL DATE

DELIVERY MODE

08/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/511,184

**Applicant(s)**

YAGI ET AL.

**Examiner**

ELMER CHAO

**Art Unit**

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 8/13/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Acknowledgement is made of the amendment filed 8/13/2008.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/13/2008 has been entered.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8, 10, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nix et al. (U.S. 7,037,269 B2) in view of Kimura et al. (JP 11305143 A).

Regarding **claims 1-5 and 11**, Nix et al. teach an ultrasound probe comprising: a plurality of transducers for transmitting and receiving an ultrasound respectively located in correspondence with adjacent positions of transmission and reception (Fig. 2, Item 3); and a flexible circuit board of at least one layer located in correspondence with said positions of transmission and reception (Fig. 2, Item 12), in which signal lines for supplying a transmission signal and for extracting a reception signal to/ from said positions are installed in a longitudinal direction of the transducers at a predetermined angle (Fig. 2 shows an angle), wherein the flexible circuit board has slits (the flexible circuit board must have areas of non-conduction in order to separate the different signal lines) dividing signal lines into sections at each of said positions at a predetermined angle, and each section of the flexible circuit board divided by the slits is spirally wound (col. 4, lines 32-34; Fig. 6a), wherein the flexible circuit board is insulated by a first shield or protection material (col. 4, lines 38-45).

Nix et al. teach the limitations as discussed above but fail to explicitly teach the flexible circuit board having a plurality of sections which are separately wound. However, in the same field of endeavor, Kimura et al. teach a flexible board being divided into sections in which each of the sections are separately spirally wound (see Fig. 4; Para [0020] – Para [0027]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nix et al. to flexible circuit

board having a plurality of section which are separately wound in order to improve the activity of the probe (for motivation see Para [0022]).

Regarding **claims 6 and 8**, the protection material or second shield is in the form of a flexible tube (Fig. 2, the actual portion of the catheter near Item 15 is a flexible tube).

Regarding **claim 7**, the protection material consists of a stiff section (Fig. 2, Item 2) and a flexible section (col. 4, lines 38-45; Fig. 2, Item 12).

Regarding **claim 10**, the probe would be capable of being inserted inside a body cavity.

6. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nix et al. in view Kimura et al., further in view of Holdaway et al. (U.S. 2001/0047134 A1). Nix et al. and Kimura et al. teach the limitations as discussed above but fail to explicitly teach separate layers for ground and signal. However, in the same field of endeavor, Holdaway et al. teach separate layers for ground and signal (Para [0059]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nix et al. in view of Kimura et al. to include separate layers for ground and signal as it would shield the signal from external electric and magnetic fields (for motivation see Para [0059], last sentence).

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELMER CHAO whose telephone number is (571)272-0674. The examiner can normally be reached on 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (571)272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian L Casler/  
Supervisory Patent Examiner, Art  
Unit 3737

/E. C./  
Examiner, Art Unit 3737  
8/21/2008